

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL ETHER  
PRODUCTS LIABILITY LITIGATION

This document relates to:

*Freedom Sanitary District #1 v. Amerada Hess Corporation, et al.*, Case No. 06-CV-3751

X  
X  
X

Master File No. 1:00-1898  
MDL 1358 (SAS), M21-88

**ORDER OF DISMISSAL WITH  
PREJUDICE**

X

The Plaintiff and those Settling Defendants that are parties in this action as set forth on the attached Exhibit A have advised the Court that they have resolved the matters between them pursuant to the Settlement Agreement<sup>1</sup>, and Plaintiff has now moved without opposition for the entry of this agreed upon dismissal of all claims of any kind pending against the Settling

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation  
Defendants with prejudice. The Court finds that the motion for dismissal of Settling Defendants with prejudice from this action should be granted and that:

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** as follows:

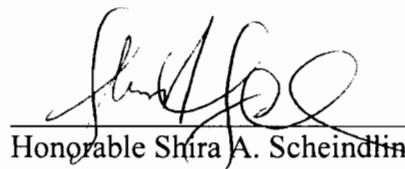
1. The Plaintiff and Settling Defendants have advised the Court that they have resolved the matters between them pursuant to a Settlement Agreement and a release.
2. Pursuant to the Settlement Agreement, the settling parties consent to the dismissal with prejudice of Settling Defendants only from this action.

Doc. 2028

<sup>1</sup> The Settlement Agreement dated as of March 12, 2008 ("Settlement Agreement") was filed with this Court on May 7, 2008 in connection with a motion for good faith determination under California and Illinois law in certain other cases. This motion was granted and a judgment entered. See Amended Opinion and Order at 2008 WL 2944653 (July 30, 2008). The term "Settling Defendants" used herein is as defined in the Settlement Agreement.

3. No other parties have objected to the dismissal of the above entitled action with prejudice as to the Settling Defendants only.
4. Therefore, this action, including all claims, counterclaims, and cross-claims of any kind, is hereby dismissed with prejudice only as to those Settling Defendants that have been named or have appeared in the above captioned action, including those identified on the attached Exhibit A, with each party to bear its own costs and attorneys' fees.

ENTERED this 17 day of September, 2008:



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Honorable Shira A. Scheindlin

## EXHIBIT A

The Settling Defendants below are named defendants in the case of *Freedom Sanitary District #1 v. Amerada Hess Corporation, et al.*, Case No. 06-CV-3751 and are listed as they appear in the caption of Plaintiffs' complaint (even if erroneously identified or no longer in existence).

1. Ashland Inc.
2. Atlantic Richfield Company, individually and doing business as ARCO Products Company (f/k/a ARCO Petroleum Co.) and d/b/a ARCO
3. BP Amoco Chemical Company, individually and formerly known as Amoco Chemical Company
4. BP Products North America, Inc., individually and formerly known as Amoco Oil Company
5. Chevron Phillips Chemical Company, LLC
6. Chevron U.S.A., Inc., individually and formerly known as Gulf Oil Corp. (d/b/a Chevron Products Company, d/b/a Chevron Chemical Company)
7. CITGO Petroleum Corporation
8. CITGO Refining and Chemicals Company, LP
9. ConocoPhillips Company, individually and as successor-in-interest to Conoco Inc., Phillips Petroleum Company, and Tosco Corporation and d/b/a Phillips 66 Company
10. El Paso Merchant Energy Petroleum Company, individually and formerly known as Coastal Refining and Marketing, Inc. and formerly known as Coastal States Trading, Inc.
11. Equilon Enterprises, LLC, d/b/a Shell Oil Products US
12. Flint Hills Resources, L.P., f/k/a Koch Petroleum Group, L.P., Koch Refining Company, L.P., and Koch Refining Company, Inc.
13. Lyondell-CITGO Refining, LP, individually and f/k/a Lyondell-CITGO Refining Company, Ltd.
14. Marathon Petroleum Company, LLC, individually and f/k/a Marathon Ashland Petroleum, LLC
15. Marathon Oil Company, individually and f/k/a USX Corporation (f/k/a United States Steel Corporation)
16. Motiva Enterprises, LLC, individually and as successor-in-interest to Star Enterprise
17. PDV Midwest Refining, LLC
18. The Premcor Refining Group Inc., individually and f/k/a Clark Oil & Refining Corporation, individually and as successor by merger to The Premcor P.A. Pipeline Company, f/k/a Clark Port Arthur Pipeline Co.
19. Shell Oil Company
20. Shell Oil Products Company, LLC, f/k/a and d/b/a Shell Oil Products Company
21. Shell Petroleum, Inc.
22. Shell Trading (US) Company, individually and formerly known as Equiva Trading Company, and also known as STUSCO
23. Sunoco, Inc., individually and formerly known as Sun Oil Company, and formerly known as Sun Company, Inc. and as successor-in-interest to Coastal Eagle Point Oil Company

24. Sunoco, Inc. (R&M) (individually and f/k/a Sun Refining and Marketing Company and f/k/a Sun Company Inc. (R&M)
25. Texaco Inc.
26. TMR Company, individually and f/k/a Texaco Refining and Marketing Inc., and as successor-by-merger to TRME Company (f/k/a Texaco Refining and Marketing (East), Inc.)
27. TRMI Holdings, Inc., individually and as successor-in-interest to Texaco Refining and Marketing, Inc.)
28. TPI Petroleum Inc.
29. Union Oil Company of California (d/b/a Unocal)
30. Unocal Corporation, individually and formerly known as Union Oil Company of California
31. Valero Energy Corporation, individually and as successor-by-merger to Premcor, Inc.
32. Valero Marketing and Supply Company
33. Valero Refining and Marketing Company
34. Valero Refining Company